

In the Senate of the United States,

October 13 (legislative day, September 22), 2000.

Resolved, That the bill from the House of Representatives (H.R. 2607) entitled “An Act to promote the development of the commercial space transportation industry, to authorize appropriations for the Office of the Associate Administrator for Commercial Space Transportation, to authorize appropriations for the Office of Space Commercialization, and for other purposes.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “Commercial Space*
3 *Transportation Competitiveness Act of 2000”.*

1 **SEC. 2. FINDINGS.**

2 *The Congress finds that—*

3 *(1) a robust United States space transportation*
4 *industry is vital to the Nation’s economic well-being*
5 *and national security;*

6 *(2) enactment of a 5-year extension of the excess*
7 *third party claims payment provision of chapter 701*
8 *of title 49, United States Code (Commercial Space*
9 *Launch Activities), will have a beneficial impact on*
10 *the international competitiveness of the United States*
11 *space transportation industry;*

12 *(3) space transportation may evolve into air-*
13 *plane-style operations;*

14 *(4) during the next 3 years the Federal Govern-*
15 *ment and the private sector should analyze the liabil-*
16 *ity risk-sharing regime to determine its appropriate-*
17 *ness and effectiveness, and, if needed, develop and*
18 *propose a new regime to Congress at least 2 years*
19 *prior to the expiration of the extension contained in*
20 *this Act;*

21 *(5) the areas of responsibility of the Office of the*
22 *Associate Administrator for Commercial Space*
23 *Transportation have significantly increased as a re-*
24 *sult of—*

1 (A) the rapidly expanding commercial
 2 space transportation industry and associated
 3 government licensing requirements;

4 (B) regulatory activity as a result of the
 5 emerging commercial reusable launch vehicle in-
 6 dustry; and

7 (C) the increased regulatory activity associ-
 8 ated with commercial operation of launch and
 9 reentry sites; and

10 (6) the Office of the Associate Administrator for
 11 Commercial Space Transportation should continue to
 12 limit its promotional activities to those which support
 13 its regulatory mission.

14 **SEC. 3. OFFICE OF COMMERCIAL SPACE TRANSPORTATION.**

15 (a) *AMENDMENT.*—Section 70119 of title 49, United
 16 States Code, is amended to read as follows:

17 **“§ 70119. Office of Commercial Space Transportation**

18 “There are authorized to be appropriated to the Sec-
 19 retary of Transportation for the activities of the Office of
 20 the Associate Administrator for Commercial Space
 21 Transportation—

22 “(1) \$12,607,000 for fiscal year 2001; and

23 “(2) \$16,478,000 for fiscal year 2002.”.

24 (b) *TABLE OF SECTIONS AMENDMENT.*—The item re-
 25 lating to section 70119 in the table of sections of chapter

1 701 of title 49, United States Code, is amended to read as
 2 follows:

“70119. Office of Commercial Space Transportation.”.

3 **SEC. 4. OFFICE OF SPACE COMMERCIALIZATION.**

4 (a) *AUTHORIZATION OF APPROPRIATIONS.*—There are
 5 authorized to be appropriated to the Secretary of Commerce
 6 for the activities of the Office of Space Commercialization—

7 (1) \$590,000 for fiscal year 2001;

8 (2) \$608,000 for fiscal year 2002; and

9 (3) \$626,000 for fiscal year 2003.

10 (b) *REPORT TO CONGRESS.*—Not later than 90 days
 11 after the date of the enactment of this Act, the Secretary
 12 of Commerce shall transmit to the Congress a report on the
 13 Office of Space Commercialization detailing the activities
 14 of the Office, the materials produced by the Office, the extent
 15 to which the Office has fulfilled the functions established for
 16 it by the Congress, and the extent to which the Office has
 17 participated in interagency efforts.

18 **SEC. 5. COMMERCIAL SPACE TRANSPORTATION INDEM-**
 19 **NIFICATION EXTENSION.**

20 (a) *IN GENERAL.*—If, on the date of enactment of this
 21 Act, section 70113(f) of title 49, United States Code, has
 22 not been amended by the Departments of Veterans Affairs
 23 and Housing and Urban Development, and Independent
 24 Agencies Appropriations Act, 2001, then that section is

1 amended by striking “December 31, 2000” and inserting
 2 “December 31, 2004”.

3 (b) *AMENDMENT OF MODIFIED SECTION.*—If, on the
 4 date of enactment of this Act, section 70113(f) of title 49,
 5 United States Code, has been amended by the Departments
 6 of Veterans Affairs and Housing and Urban Development,
 7 and Independent Agencies Appropriations Act, 2001, then
 8 that section is amended by striking “December 31, 2001”
 9 and inserting “December 31, 2004”.

10 **SEC. 6. TECHNICAL AMENDMENT TO SECTION 70113 OF**
 11 **TITLE 49.**

12 (a) Section 70113 of title 49, United States Code, is
 13 amended by striking “———, 19——.’,” in subsection
 14 (e)(1)(A) and inserting “———, 20——.’”.

15 (b) The amendment made by subsection (a) takes effect
 16 on January 1, 2000.

17 **SEC. 7. LIABILITY REGIME FOR COMMERCIAL SPACE TRANS-**
 18 **PORTATION.**

19 (a) *REPORT REQUIREMENT.*—Not later than 18
 20 months after the date of the enactment of this Act, the Sec-
 21 retary of Transportation shall transmit to the Congress a
 22 report on the liability risk-sharing regime in the United
 23 States for commercial space transportation.

24 (b) *CONTENTS.*—The report required by this section
 25 shall—

1 (1) *analyze the adequacy, propriety, and effec-*
2 *tiveness of, and the need for, the current liability risk-*
3 *sharing regime in the United States for commercial*
4 *space transportation;*

5 (2) *examine the current liability and liability*
6 *risk-sharing regimes in other countries with space*
7 *transportation capabilities;*

8 (3) *examine the appropriateness of deeming all*
9 *space transportation activities to be “ultrahazardous*
10 *activities” for which a strict liability standard may*
11 *be applied and which liability regime should attach*
12 *to space transportation activities, whether*
13 *ultrahazardous activities or not;*

14 (4) *examine the effect of relevant international*
15 *treaties on the Federal Government’s liability for*
16 *commercial space launches and how the current do-*
17 *mestic liability risk-sharing regime meets or exceeds*
18 *the requirements of those treaties;*

19 (5) *examine the appropriateness, as commercial*
20 *reusable launch vehicles enter service and demonstrate*
21 *improved safety and reliability, of evolving the com-*
22 *mercial space transportation liability regime towards*
23 *the approach of the airline liability regime;*

24 (6) *examine the need for changes to the Federal*
25 *Government’s indemnification policy to accommodate*

1 *the risks associated with commercial spaceport oper-*
 2 *ations; and*

3 *(7) recommend appropriate modifications to the*
 4 *commercial space transportation liability regime and*
 5 *the actions required to accomplish those modifica-*
 6 *tions.*

7 *(c) SECTIONS.—The report required by this section*
 8 *shall contain sections expressing the views and rec-*
 9 *ommendations of—*

10 *(1) interested Federal agencies, including—*

11 *(A) the Office of the Associate Adminis-*
 12 *trator for Commercial Space Transportation;*

13 *(B) the National Aeronautics and Space*
 14 *Administration;*

15 *(C) the Department of Defense; and*

16 *(D) the Office of Space Commercialization;*

17 *and*

18 *(2) the public, received as a result of notice in*
 19 *Commerce Business Daily, the Federal Register, and*
 20 *appropriate Federal agency Internet websites.*

21 **SEC. 8. AUTHORIZATION OF INTERAGENCY SUPPORT FOR**
 22 **GLOBAL POSITIONING SYSTEM.**

23 *The use of interagency funding and other forms of sup-*
 24 *port is hereby authorized by Congress for the functions and*
 25 *activities of the Interagency Global Positioning System Ex-*

- 1 *ecutive Board, including an Executive Secretariat to be*
- 2 *housed at the Department of Commerce.*

Attest:

Secretary.

106TH CONGRESS
2D SESSION

H. R. 2607

AMENDMENT